

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL FIORE & SUSAN FIORE,

Plaintiffs,

v.

No. 6:07-CV-797-DHL-GHL

TOWN OF WHITESTOWN, NEW YORK;  
TOWN OF WHITESTOWN POLICE  
DEPARTMENT; BRIAN BROOKS, in his  
individual and official capacity; DANIEL  
SULLIVAN, in his individual and official  
capacity; NORMAN ULINSKI, in his individual  
and official capacity; & DONALD WOLANIN,  
in his individual and official capacity,

Defendants.  
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DAVID N. HURD  
United States District Judge

**ORDER**

Pursuant to the oral decision of the court, entered into the record after hearing oral argument on June 25, 2010, in Utica, New York, it is hereby

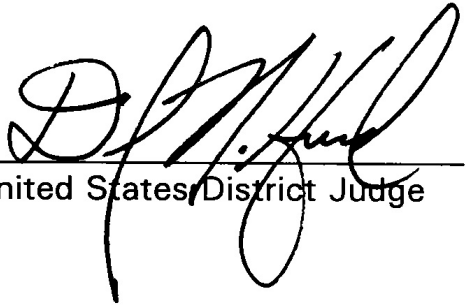
ORDERED that

(1) Defendants' motion for summary judgment of plaintiffs' federal claims under Causes of Action One, Two, and Eleven is GRANTED and these claims are DISMISSED with prejudice;

(2) Defendants' motion for summary judgment of plaintiffs' state law claims under Causes of Action Three, Four, Five, Six, Seven, Eight, Nine, Ten, and Twelve is GRANTED and these claims are DISMISSED without prejudice to allow plaintiffs to re-plead such claims in the appropriate state court; and

(3) The Clerk of the Court is directed to enter a judgment accordingly.

IT IS SO ORDERED.

  
United States District Judge

Dated: June 25, 2010  
Utica, New York